IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.141 OF 2004

The State of Maharashtra ...Appellant
Vs.
Dr. Hari Kashinath Ade ...Respondent

Shri D.R. More, A.P.P.for the Appellant.

CORAM : R.S.MOHITE, J.

DATE : JANUARY 16, 2006.

P.C.:

1. This is an Appeal filed by the State impugning Judgment and Order passed by the Special Judge, Pune on 20.10.2003, acquitting the accused for offences punishable under section 7 and 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988. On perusal of the impugned Judgment and Order it is seen that the same has been passed for cogent and acceptable reasons. The accused is a doctor and he is said to have asked for bribe of Rs.200/- for issuing a medical certificate. The Trial Court reasoned that the complainant is said to have been asked by the doctor to keep the notes on a rack in his house. The prosecution case was that in presence of the complainant and panchas he pushed the notes into a rack and thus had anthracene powder on his left hand fingers. The Trial Court has reasoned that if the doctor had taken precaution not to touch the notes and had asked the complainant to keep the notes on a rack,

it was improbable that he would then touch the notes in presence of the complainant and panchas. It is further reasoned by the Court that the complainant had not came out with entire truth and had suppressed the fact that hospital had issued under treatment certificate. Evidence of the complainant of demanding and acceptance of bribe is found to be inconsistent with the evidence of panch witness Jagtap and the inconsistencies have been pointed out in paragraph 11 of the judgment. In the circumstances, the view taken is the possible view. Therefore, leave is refused and consequently the Appeal stands dismissed.

JUDGE